

APR 15 1998

DOCKET NO. STS96-02A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

As a named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

IMMUNE RESPONSES USING COMPOSITIONS CONTAINING STRESS PROTEINS

the specification of which (check one)

☐ is attached hereto.

☒ was filed on November 25, 1997 as United States Application

Number or PCT International Application Serial No. 08/977,787 (the application). I also believe I am the original, first and joint inventor of the subject application as amended on March 20, 1998.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority
Not
Claimed

(Number) (Country) (Day/Month/Year filed)

☐

(Number) (Country) (Day/Month/Year filed)

☐

(Number) (Country) (Day/Month/Year filed)

☐

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/756,621</u> (Application Serial No.)	<u>11/26/96</u> (Filing date)	<u>Pending</u> (Status: patented, pending, abandoned)
<u> </u> (Application Serial No.)	<u> </u> (Filing date)	<u> </u> (Status: patented, pending, abandoned)
<u> </u> (Application Serial No.)	<u> </u> (Filing date)	<u> </u> (Status: patented, pending, abandoned)
<u> </u> (Application Serial No.)	<u> </u> (Filing date)	<u> </u> (Status: patented, pending, abandoned)

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

I also hereby grant additional Powers of Attorney to the following attorney(s) and/or agent(s) to file and prosecute an international application under the Patent Cooperation Treaty based upon the above-identified application, including a power to meet all designated office requirements for designated states:

David E. Brook	Reg. No. 22,592	Alice O. Carroll	Reg. No. 33,542
James M. Smith	Reg. No. 28,043	N. Scott Pierce	Reg. No. 34,900
Leo R. Reynolds	Reg. No. 20,884	Richard A. Wise	Reg. No. 18,041
Patricia Granahan	Reg. No. 32,227	Helen E. Wendler	Reg. No. 37,964
Mary Lou Wakimura	Reg. No. 31,804	Carolyn S. Elmore	Reg. No. 37,567
Thomas O. Hoover	Reg. No. 32,470	Anne J. Collins	Reg. No. 40,564

all of Hamilton, Brook, Smith and Reynolds, P.C., Two Militia Drive, Lexington, Massachusetts 02173;

and

Send correspondence to: Patricia Granahan
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
Two Militia Drive, Lexington, Massachusetts 02173

Direct telephone calls to: Patricia Granahan

(781) 861-6240

Direct facsimiles to: Patricia Granahan

(781) 861-9540

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole

or first inventor Lee Mizzen

Inventor's

Signature Lee Mizzen

Date April 3/98

Residence 1936 Quamichan Street

Victoria, BC V8S 2C4, Canada

Citizenship Canadian

Post Office Address Same as above

Full name of second joint

inventor, if any Lawrence S.D. Anthony

Inventor's

Signature Lawrence S.D. Anthony

Date 3 Apr 98

Residence 307-2527 Quadra Street

Victoria, BC V8T 4E1 Canada

Citizenship Canadian

Post Office Address Same as above

Full name of third joint

inventor, if any Huacheng Bill Wu

Inventor's

Signature Huacheng Bill Wu

Date April 3/98

Residence 403-1535 Jubilee Avenue

Victoria, British Columbia, V8R 4N4, Canada

Citizenship Canadian

Post Office Address Same as above

Full name of fourth joint T. A. H.
inventor, if any Marvin Siegel
Inventor's
Signature [Signature] Date 6-13-1981
Residence 4316 Crownwood Lane
Victoria, British Columbia, V8X 5E4, Canada
Citizenship US
Post Office Address Same as above

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))-SMALL BUSINESS CONCERN

APR 15 1998

DOCKET NUMBER: STS96-02A

Applicant or Patentee: Lee Mizzen, Lawrence S.D. Anthony, Huacheng Bill Wu, and Marvin Siegel
Serial or Patent No.: 08/977,787
Filed or Issued: November 25, 1997
Title: IMMUNE RESPONSES USING COMPOSITIONS CONTAINING STRESS PROTEINS

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN StressGen Biotechnologies Corp.

ADDRESS OF SMALL BUSINESS CONCERN #120-4243 Glanford Avenue
Victoria, BC V8Z 4B9, CANADA

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern or organization is listed below:

Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Mr. Richard Glickman

TITLE OF PERSON IF OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING StressGen Biotechnologies Corp., #120-4243 Glanford Avenue, Victoria, BC V8Z 4B9, CANADA

SIGNATURE

DATE